

NATIONAL POPULAR VOTE - HB 05126

I respectfully urge this Committee to reject the proposed National Popular Vote Compact.

Essentially the NPV compact provides that each participating state will cast its electoral votes for the candidate receiving the most popular votes nationwide regardless of how the voters of that state actually vote.

First, the compact opens a way for a fringe candidate to win the presidency without a popular majority over a divided field of other contenders. That is because the compact does not require a majority or even a substantial plurality of the vote to be elected. Obviously the more candidates that are running, the fewer votes needed to be elected. To deal with this risk the French, for example, require a runoff if no candidate receives at least 50 percent.

Second, the NPV compact almost assures unprecedented delay and uncertainty in U.S. presidential elections. An official in each state, likely with a political affiliation, would have to decide, not only who won in that particular state, but also who won across the entire country. These decisions would very likely be disputed. Recall that in the 2000 presidential election, the US Supreme Court was needed to settle who carried just Florida; Bush v. Gore, 531 U.S. 98 (2000).

A third issue concerns what happens if an individual elector or group of electors disobeys the compact and decides to vote for someone other than the national winner. Once elected an elector is free to vote as he or she wishes. The compact is a contract without a means of enforcement.

Finally, Article X, Section 10, of the U.S. Constitution, prohibits compacts among individual states without the consent of congress. The provision has been has not been invoked for years, but it offers the basis for an additional lawsuit to block implementation of the NPV compact. More delay and confusion is a near certainty.

Proponents of the NPV compact argue that it would raise Connecticut's importance in the electoral process and attract more visits by competing candidates. Unfortunately, that is not likely. Above the minimum three electors assured by Article II, Section 1 of the Constitution, electoral votes are assigned on the basis of population, and Connecticut's population is at best stable. Candidates will still focus on the states with the most voters.

The proposed National Popular Vote compact offers nothing for Connecticut, risks the election of a fringe candidate, and promises unprecedented delay and confusion in the election of the U.S. President.